

SIXTIETH DAY
(Tuesday, April 30, 1985)

The Senate met at 6:26 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Henderson, Howard, Kothmann, Krier, Leedom, McFarland, Mauzy, Montford, Parker, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Williams.

Absent: Harris, Jones, Lyon, Parmer, Washington, Whitmire.

A quorum was announced present.

Senator John Montford offered the invocation as follows:

Our Heavenly Father, as we continue on the course of making legislative history, particularly these last few intense days, let us keep our differences professional and not personal.

Guide and direct us as we attempt to do good for all of the people of Texas. In Thy name we pray. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.C.R. 72
S.B. 475
S.B. 1214
S.B. 1061
S.B. 474
H.B. 1256
C.S.S.B. 217
C.S.S.B. 1007
C.S.H.B. 742

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

H.B. 593 (Amended)
C.S.S.B. 1295

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 1153
C.S.H.B. 1779
C.S.S.B. 387

Senator Jones submitted the following report for the Committee on Finance:

S.B. 995
H.B. 731
H.B. 1188

H.B. 2045
H.B. 2048
H.B. 1949 (Amended)
C.S.S.B. 1391
C.S.S.B. 1322

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 693 (Amended)
S.B. 1170
S.B. 660
H.B. 341
S.C.R. 88
S.C.R. 90
S.C.R. 91

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Farabee and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1405 by Farabee Natural Resources
Relating to the title received by a bona fide purchaser of natural gas; amending Subchapter D, Chapter 111, Natural Resources Code, by adding Section 111.098.

S.B. 1406 by Brooks Criminal Justice
Relating to the imposition of a special cost in certain counties on conviction of a criminal offense.

S.B. 1407 by Brooks State Affairs
Relating to the authority of the Department of Public Safety to regulate headlamp modulation systems on motorcycles; providing a penalty.

S.B. 1408 by Brooks Economic Development
Relating to the Texas Catastrophe Property Insurance Pool Act; amending the definitions of Plan of Operations and Insurable Property.

S.B. 1409 by Traeger Finance
Relating to the proof required under the Sales Tax Act to show that items have been exported outside the territorial limits of the United States.

S.B. 1410 by Uribe Intergovernmental Relations
Relating to the validation of notes and deeds of trust of certain cities, towns and municipal airport boards issued to finance airport improvements and declaring an emergency.

S.B. 1411 by Brown Intergovernmental Relations
Relating to the creation of the County Court at Law No. 3 of Brazoria County.

S.B. 1412 by Mauzy State Affairs
Relating to the election of justices to the Court of Appeals for the Fifth Supreme Judicial District from multimember districts.

S.B. 1413 by Sims Natural Resources
Relating to the creation, administration, powers, duties, operations, and financing of the Crane County Water District and the authority of that district and other governmental and private entities to contract.

S.C.R. 127 by Brooks Health and Human Resources
 Requesting cooperation of Department of Human Resources and Department of Mental Health and Mental Retardation in implementation of recommendation of Legislative Oversight Committee on Mental Health and Mental Retardation to collaboratively plan for increasing and redirecting Medicaid funds to encourage community-based residential services.

S.C.R. 128 by Brooks Health and Human Resources
 Requesting cooperation of Department of Mental Health and Mental Retardation and Department of Corrections in implementation of recommendation of Legislative Oversight Committee on Mental Health and Mental Retardation to collaborate on development of creative community-based alternatives for mentally disabled offenders.

S.C.R. 129 by Brooks Health and Human Resources
 Requesting cooperation of Department of Mental Health and Mental Retardation, the Central Education Agency and Texas Rehabilitation Commission in implementing recommendation of Legislative Oversight Committee on Mental Health and Mental Retardation to improve coordination of their services to persons with mental retardation.

S.C.R. 130 by Barrientos Jurisprudence
 Granting John P. Nieman, Rose Junemann Nieman, John P. Nieman, Jr., and Nancy Nieman Hilgers permission to sue the State of Texas.

S.C.R. 131 by Barrientos Jurisprudence
 Granting Josephine Faz permission to sue the State of Texas.

S.J.R. 41 by Mauzy State Affairs
 Proposing a constitutional amendment authorizing the legislature to provide for the election of justices to the courts of appeals from single-member or multimember districts.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

- H.C.R. 105, To Committee on Administration.
- H.C.R. 123, To Committee on Natural Resources.
- H.C.R. 125, To Committee on Health and Human Resources.
- H.B. 160, To Committee on State Affairs.
- H.B. 163, To Committee on State Affairs.
- H.B. 220, To Committee on Jurisprudence.
- H.B. 753, To Committee on State Affairs.
- H.B. 833, To Committee on Criminal Justice.
- H.B. 1012, To Committee on State Affairs.
- H.B. 1029, To Committee on Intergovernmental Relations.
- H.B. 1041, To Committee on Economic Development.
- H.B. 1078, To Committee on Intergovernmental Relations.
- H.B. 1096, To Committee on Intergovernmental Relations.
- H.B. 1214, To Committee on Intergovernmental Relations.
- H.B. 1215, To Committee on Intergovernmental Relations.
- H.B. 1335, To Committee on Intergovernmental Relations.
- H.B. 1345, To Committee on Intergovernmental Relations.
- H.B. 1550, To Committee on State Affairs.
- H.B. 1565, To Committee on Intergovernmental Relations.
- H.B. 1682, To Committee on Economic Development.

H.B. 1728, To Committee on Intergovernmental Relations.
H.B. 1762, To Committee on Natural Resources.
H.B. 1823, To Committee on Natural Resources.
H.B. 2004, To Committee on Health and Human Resources.
H.B. 2067, To Committee on Finance.
H.B. 2126, To Committee on Intergovernmental Relations.
H.B. 2139, To Committee on Criminal Justice.
H.B. 2177, To Committee on State Affairs.
H.B. 2178, To Committee on State Affairs.
H.B. 2219, To Committee on Jurisprudence.
H.B. 2261, To Committee on State Affairs.
H.B. 2288, To Committee on State Affairs.
H.B. 2290, To Committee on Natural Resources.
H.B. 2323, To Committee on Economic Development.
H.B. 2329, To Committee on State Affairs.
H.B. 2382, To Committee on Natural Resources.
H.B. 2403, To Committee on Administration.
H.B. 2408, To Committee on Natural Resources.
H.B. 2421, To Committee on Natural Resources.

SENATE BILL 609 ON THIRD READING

Senator Santiesteban moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.B. 609, Relating to regulating the taking, possession, purchase, and sale of oysters and shrimp, to research programs concerning oysters and shrimp, and to fees for certain shrimp licenses; providing penalties.

The motion prevailed by the following vote: Yeas 17, Nays 8.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Henderson, Howard, Kothmann, Krier, Leedom, McFarland, Santiesteban, Sarpalius, Sims, Traeger, Uribe.

Nays: Barrientos, Brooks, Mauzy, Montford, Parker, Sharp, Truan, Williams.

Absent: Harris, Jones, Lyon, Parmer, Washington, Whitmire.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Barrientos, Brooks, Mauzy, Parker, Sharp, Truan and Williams asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 955 ON THIRD READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

H.B. 955, Relating to the allocation and dedication of certain revenue to provide assistance for areas impacted by significant new national defense facilities and to the taxation of sales of materials used in the construction of certain new significant naval military facilities. (Submitted by Governor as an emergency matter)

The bill was read third time and was passed by the following vote: Yeas 24, Nays 1.

Nays: Sarpalius.

Absent: Harris, Jones, Lyon, Parmer, Washington, Whitmire.

RECESS

On motion of Senator Mauzy, the Senate at 6:34 o'clock a.m. took recess until 11:00 o'clock a.m. today.

AFTER RECESS

The Senate met at 11:00 o'clock a.m. and was called to order by the President.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Blake and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1414 by Henderson Intergovernmental Relations
Relating to the classification of firemen and policemen in certain cities; educational incentive pay and appointments in certain cities; assignment pay of firemen and policemen in certain cities; eligibility to be a police officer in certain cities; examination procedures in certain cities; disciplinary suspensions in certain cities; hearing examiners; use of polygraph examinations in certain cities; appeal process; uncompensated duty in certain cities; accumulated sick leave in certain cities; grievance procedures in certain cities; amending Section 8, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon's Texas Civil Statutes); amending Sec. 8B of Chapter 83, Acts of the 66th Legislature, Regular Session, 1979 as amended by Section 1, Chapter 338, Acts of the 68th Legislature, Regular Session 1983 (Sec. 8B, Article 1269m, Vernon's Annotated Texas Civil Statutes); amending Section 9, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon's Texas Civil Statutes); amending Section 13, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon's Texas Civil Statutes); Chapter 420 Acts of the 68th Legislature, Regular Session, 1983 (Sec. 16b., 16c. and 16d. of Article 1269m, Vernon's Texas Civil Statutes); amending Section 18, Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Sec. 18, Article 1269m, Vernon's Texas Civil Statutes); and adding Section 16e., 20A, and 29; and declaring an emergency.

S.B. 1415 by Harris Economic Development
Amending Article 11.01 and Article 11.20, Insurance Code of Texas, relating to
converting, consolidating and merging a mutual life insurance company.

S.B. 1416 by Blake Intergovernmental Relations
Relating to county regulation of persons who transport certain waste materials from one location to another; providing a penalty.

S.C.R. 135 by Blake **Jurisprudence**
Granting Clifton Construction-Engineering, Inc., permission to sue the State of Texas.

S.C.R. 136 by Traeger **State Affairs**
Adopting “No Place But Texas” as the official Texas Sesquicentennial Song of the 69th Legislature.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas

April 29, 1985

**TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE COMMISSION ON JAIL STANDARDS:

For a term to expire January 31, 1991:

THE HONORABLE JOHNNY KLEVENHAGEN

Sheriff

1301 Franklin

Houston, Texas 77002

(Sheriff Klevenhagen is replacing Sheriff Jack Heard of Houston, Harris County, Texas, whose term expired.)

Respectfully submitted,

/s/Mark White

Governor of Texas

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read.

Austin, Texas

April 29, 1985

Mrs. Betty King Secretary of the Senate State Senate Capitol Building Austin, Texas 78701

Dear Mrs. King:

On April 22, 1985, I nominated Mr. Richard Tinsley of Houston for appointment to the Texas Board of Physical Therapy Examiners for a term to expire January 31, 1991. Mr. Tinsley is unable, at the present time, to accept this appointment. I, therefore, request that the Senate return the appointment to this Governor.

Respectfully submitted,

/s/Mark White

Governor of Texas

NOMINATION RETURNED

On motion of Senator Howard and by unanimous consent, the request of the Governor to return the nomination of Mr. Richard Tinsley, to be a Member of the Board of Physical Therapy Examiners, was granted and the nomination was returned.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

C.S.S.C.R. 89

C.S.S.B. 1220

C.S.S.B. 1109

C.S.S.B. 957

C.S.S.B. 1095

Senator Harris submitted the following report for the Committee on Economic Development:

H.B. 809
 S.B. 1388 (Amended)
 H.B. 899
 H.B. 871
 H.B. 597
 C.S.H.B. 385

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

H.B. 289	S.B. 287
H.B. 332	S.B. 392
H.B. 710	S.B. 418
H.B. 728	S.B. 442
H.B. 1207	S.B. 618
H.B. 1218	S.B. 635
H.C.R. 86	S.B. 636
H.C.R. 126	S.B. 745
H.C.R. 166	S.B. 762
S.C.R. 80	S.B. 783
S.C.R. 81	S.B. 1014
S.B. 210	
S.B. 613	(Signed subject to Sec. 49a, Art. III, Constitution of State of Texas)

SENATE BILL 748 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 748, Relating to the regulation of taxicabs operating at certain airports.

The bill was read second time and was passed to engrossment.

SENATE BILL 748 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 748** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 0.

Absent: Barrientos, Henderson, Mauzy, Parker, Santiesteban, Sarpalius, Uribe, Washington, Williams.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1295 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1295, Relating to the operation of the Harris County Psychiatric Center; transferring the Texas Research Institute of Mental Sciences to The University of Texas System; and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1295 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1295 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent: Barrientos, Henderson, Mauzy, Santiesteban, Sarpalius, Washington, Williams.

The bill was read third time and was passed.

HOUSE BILL 1256 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1256, Relating to voluntary and involuntary mental health proceedings and services and to the rights of mental health patients.

The bill was read second time and was passed to third reading.

HOUSE BILL 1256 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1256** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent: Barrientos, Henderson, Mauzy, Santiesteban, Sarpalius, Washington, Williams.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 0. (Same as previous roll call)

GUESTS PRESENTED

Senator Sharp was recognized and introduced Dr. Rick Edwards of Cuero, the Capitol Physician for the Day.

The Senate welcomed Dr. Edwards and his wife, and expressed their appreciation to Dr. Edwards for his service.

SENATE JOINT RESOLUTION 33 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 33, Proposing a constitutional amendment relating to statutory revision and to the requirement that each bill have a title expressing the subject of the bill.

The resolution was read second time and was passed to engrossment.

SENATE JOINT RESOLUTION 33 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.J.R. 33** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent: Barrientos, Henderson, Mauzy, Santiesteban, Washington, Williams.

The resolution was read third time and was passed by the following vote: Yeas 25, Nays 0. (Same as previous roll call)

MOTION TO PLACE SENATE BILL 543 ON SECOND READING

Senator Harris asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 543, Relating to venue for personal injury actions against a railroad corporation or an assignee, trustee, or receiver operating a railroad.

There was objection.

Senator Harris then moved to suspend the regular order of business and take up **S.B. 543** for consideration at this time.

The motion was lost by the following vote: Yeas 14, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Blake, Brown, Farabee, Glasgow, Harris, Howard, Jones, Krier, Leedom, McFarland, Montford, Parker, Sarpalius, Sims.

Nays: Barrientos, Brooks, Caperton, Edwards, Kothmann, Lyon, Parmer, Sharp, Truan, Uribe, Whitmire.

Absent: Henderson, Mauzy, Santiesteban, Traeger, Washington, Williams.

SENATE BILL 1376 ON SECOND READING

Senator Jones moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1376, Relating to the frequency with which certain employers must pay wages.

The motion prevailed by the following vote: Yeas 25, Nays 1.

Nays: Barrientos.

Absent: Henderson, Mauzy, Santiesteban, Traeger, Washington.

The bill was read second time and was passed to engrossment.

SENATE BILL 1376 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1376** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Barrientos.

Absent: Henderson, Mauzy, Santiesteban, Washington.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 869 ON SECOND READING

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 869, Relating to the prevention of family violence and the duties of law enforcement officers, prosecutors, and courts in family violence cases; providing criminal penalties for the violation of certain court orders.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 869 ON THIRD READING

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 869 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Henderson, Mauzy, Santiesteban, Washington.

The bill was read third time and was passed.

SENATE BILL 570 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 570, Relating to the competency of a child to testify in a criminal or civil proceeding.

The bill was read second time.

Senator Lyon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 570** as follows:

- delete the words "or civil" in lines 2 and 3 of page 1; and,
- delete SECTION 1 on page 1. (lines 5 through 12)
- renumber subsequent sections

The committee amendment was read and was adopted.

Senator Lyon offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **S.B. 570** by adding the following after "child" on page 2, line 8:

Such testimony shall not be considered unless corroborated by other evidence.

The committee amendment was read.

Question - Shall Committee Amendment No. 2 be adopted?

SENATE BILL 716 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 716, Relating to the creation of political subdivisions in municipal industrial districts and to the exclusion of industrial district land from political subdivisions.

The bill was read second time and was passed to engrossment.

SENATE BILL 716 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 716** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Henderson, Mauzy, Washington.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 905 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 905, Relating to the regulation of the sale of certain motor vehicles and of those who engage in the business of selling new motor vehicles.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 905 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 905** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Henderson, Mauzy, Washington.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1.

Nays: Barrientos.

Absent: Henderson, Mauzy, Washington.

COMMITTEE SUBSTITUTE SENATE BILL 497 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 497, Relating to the establishment of the Texas Savings and Loan Supplemental Fund.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Amend **C.S.S.B. 497** as follows:

1. delete Section 6(b) and substitute the following:

(b) The regular term of office of an elected director shall be two years and until a successor has been elected and qualified. Of the original board of directors, three directors who are representatives of the member associations shall be elected for a two year term, and three directors shall be elected for a one year term.

2. delete the last sentence of Section 7(c)

3. delete Section 10(b) and substitute the following:

(b) When the commissioner has placed a member association in conservatorship, expenditures from the administrative or the primary account shall be made if the commissioner requests and directs that such be done for the purposes authorized by this Act. In no event may the aggregate expenditure from the fund in aid of such member association exceed the lesser of (i) ten percent (10%) of the current balance of the primary account, or (ii) twenty percent (20%) of such association's assets. Subject to these limitations, the plan of operation shall establish a maximum dollar amount which may be utilized for the purposes of this Act. Such amount shall represent the minimum amount to be expended by the commissioner prior to any certification of insolvency of a member association.

4. in Section 8, subsection (d) delete the words "become eligible" and substitute the words "becomes ineligible".

The amendment was read and was adopted.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 497 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.B. 497 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Henderson, Mauzy, Washington.

The bill was read third time and was passed.

SENATE BILL 570 ON SECOND READING

The Senate resumed consideration of S.B. 570 on its second reading and passage to engrossment with Committee Amendment No. 2 pending.

Question - Shall Committee Amendment No. 2 be adopted?

On motion of Senator Lyon and by unanimous consent, Committee Amendment No. 2 was tabled.

On motion of Senator Lyon and by unanimous consent, the vote by which Committee Amendment No. 1 was adopted was reconsidered.

On motion of Senator Lyon and by unanimous consent, Committee Amendment No. 1 was tabled.

The bill was passed to engrossment.

SENATE BILL 570 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 570 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Henderson, Mauzy, Washington.

The bill was read third time and was passed.

SENATE BILL 1349 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1349, Relating to the reformation of a jury verdict that assesses punishment not authorized by law.

The bill was read second time and was passed to engrossment.

SENATE BILL 1349 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1349 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Henderson, Mauzy, Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 214 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 214, Relating to the authority of the Texas Department of Health to charge fees under the Solid Waste Disposal Act.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 214 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 214 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Henderson, Mauzy, Washington.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 283 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 283, Relating to the use of peer review committees to evaluate and mediate disputes between licensed chiropractors and persons obligated to pay a fee for chiropractic services.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 283 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 283 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Henderson, Mauzy, Washington.

The bill was read third time and was passed.

SENATE BILL 863 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 863, Relating to inclusion of certain projects for maintenance and enhancement of water quality under state water assistance and water development programs.

The bill was read second time and was passed to engrossment.

SENATE BILL 863 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 863 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Henderson, Mauzy, Washington.

The bill was read third time and was passed.

SENATE BILL 788 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 788, Relating to the creation, powers, duties, administration, and dissolution of mass transit departments in certain cities.

The bill was read second time.

Senator Brooks offered the following committee amendment to the bill:

Amend **S.B. 788** at page 17, lines 9-10 by deleting "as provided by Section 7, Local Sales and Use Tax Act" and substituting, "as if it were an authority as provided by Revised Statutes, Art. 1118x Subsection 11B(e)(4).

The committee amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 788 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 788** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Henderson, Mauzy, Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 463 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 463, Relating to the final payment, acceptance, certification, or charge of items by payor banks; amending Sections 4.213 and 4.303 and repealing Section 4.109, Business & Commerce Code.

The bill was read second time and was passed to engrossment.

SENATE BILL 463 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 463** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Henderson, Mauzy, Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 337 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 337, Relating to procedures for the determination of land use for the siting of municipal solid waste facilities.

The bill was read second time.

Senator Lyon offered the following amendment to the bill:

S.B. 337 is amended as follows:

In Section 1, Subsection (g), delete the word “any” on line 21 after the word “identify” and before the word “areas”.

Section 1, Subsection (g), is amended by adding the following after the word “jurisdiction” and before the word “where” on line 22, page 3:

“within its jurisdiction that could be reasonably expected to comply with the technical criteria of the department where a solid waste facility would be approved.”

The amendment was read and was adopted.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

SENATE BILL 337 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 337** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Glasgow.

Absent: Henderson, Mauzy, Washington.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting “Nay” on the final passage of the bill.

MEMORIAL RESOLUTIONS

S.R. 350 - By Sharp: Memorial resolution for Francis Melvin “Captain Brownie” Brown.

S.R. 353 - By Lyon: Memorial resolution for Rockwall Fire Chief Benny Gracy.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 137 - By Farabee, Brooks, Glasgow, Mauzy, Truan: Extending congratulations to Mental Health Association on 50th anniversary.

S.C.R. 134 - By Barrientos: Extending congratulations to St. Edwards University on centennial anniversary.

S.R. 349 - By Sharp: Encouraging Texans to purchase 1985 stamps, decals and artwork depicting the whooping crane.

S.R. 352 - By Farabee: Extending congratulations to James L. Pearson.

S.R. 354 - By Washington: Extending congratulations to Ninth and Tenth Cavalry Association on occasion of 119th reunion.

S.R. 355 - By Mauzy: Extending congratulations to Charles E. Haddock.

S.R. 356 - By Krier: Extending congratulations to St. Philip's Episcopal School, Beeville on 30th anniversary.

S.R. 357 - By Leedom: Extending congratulations to Susanne Starling.

S.R. 358 - By Barrientos: Extending welcome to Third grade class of St. Austin's School.

S.R. 359 - By Sharp: Extending welcome to Dr. Rick Edwards, Capitol Physician for the Day.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 12:16 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(April 30, 1985)

S.B. 257 (Effective immediately)

S.B. 298 (Effective immediately)

S.B. 472 (Sections 44-46, effective
August 26, 1985; Sections 1-43,
effective March 1, 1986)

S.B. 473 (Effective immediately)

H.B. 1026 (Effective September 1, 1985)

SIXTY-FIRST DAY

(Wednesday, May 1, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford,